

## **REMARKS**

This document relates to issues raised in the examiner's office action mailed 05/01/2008. In that office action, claims 16-34 and 36-44 were rejected by the examiner under 35 U.S.C. § 103. A primary reference used by the examiner in rejecting the claims is Walker, et al. (U.S. 6,024,640). Other references cited by the examiner include Schneier, et al. (U.S. 5,871,398), McEntee, et al. (U.S. pre-grant publication 20020111213), Lemke (U.S. pre-grant publication 20020066041), and Jaynes, et al. (U.S. pre-grant publication 20020085515). These claim rejections are respectfully traversed. In so traversing, Applicant respectfully incorporates by reference all Remarks from prior Responses regarding the pending rejections.

It is noted that previously pending claims 16-30, 34-41 and 44 have now been cancelled from the application, and new claims 45-82 have been added to the application. No new matter has been added.

It is believed that none of the presently cited prior art references of record teach or suggest, either singly or in combination, the combination of features as recited, for example, in independent claims 45, 77, and 82 of the present application.

For example, it is believed that none of the presently cited prior art references of record teach or suggest, either singly or in combination, the combination of features as recited, for example, in independent claim 45 which is directed to a portable gaming device which is operable to: control a wager-based game played at the gaming device; receive input from a first user for initiating a first wager-based gaming session at the gaming device; receive gaming session information from a first remote gaming server; initiate the first gaming session at the gaming device using at least a portion of the gaming session information; receive, after initiation of the first gaming session, first wager information relating to a first wager to be placed by the first user in connection with game play conducted at the gaming device during the first gaming session; and determine a game outcome for a wager-based game played at the gaming device during the first gaming session.

As best understood by Applicant, the disclosure of Walker is directed to an off-line remote lottery system which enables players to purchase instant-type lottery game outcomes from a randomized prize datastream in a central computer and view the outcomes on remotely disposed gaming computers which do not require an on-line connection to the central computer during play, the central computer storing identification data for a plurality of gaming computers and being configured for randomly assigning outcomes from the

randomized prize datastream to the gaming computers in response to purchase requests by players for a requested number of outcomes in each purchase request, each gaming computer including a game program in memory for execution on the gaming computer to generate games which yield the purchased outcomes or aggregate net payoff of the purchased outcomes, and a redemption function for generating a redemption request to cash-out winnings, the system enabling outcome purchase and redemption of winnings to be effectuated directly with the central computer over a telephone network, or via a plurality of agent terminals located at various lottery retailers. (Walker, Abstract)

Moreover, as stated in the Summary section of Walker, a primary object of invention of Walker is to provide a lottery system whereby instant "tickets" or psuedo-choice games with a predetermined outcome can be rendered on a gaming computer (the gaming computer may be any personal computer, personal digital assistant or the like, but will be referred to herein as a hand-held ticket viewer "HTV") to enable a player to participate in a lottery at any location as with instant paper tickets, all the while providing enhanced play value through computer simulation of games on the HTV.

As best understood by applicant, neither Walker nor any of the other cited prior art references of record appear to teach or suggest, the combination of features of the claimed embodiment of the present application as recited, for example, in independent claim 45. For example, there appears to be no explicit or inherent teaching or suggestion in Walker which would allow a player using the HTV device(s) of Walker to place or modify one or more wagers after initiation of a gaming session at the HTV device. Accordingly, it is believed that claim 45 is neither anticipated by your obvious in view of Walker (and/or any of the other cited prior art references of record), and is therefore believed to be allowable.

Independent claims 77 and 82 define at least a portion of features similar to those defined in claim 45, and are therefore believed to be allowable for at least those reasons stated above in support of claim 45. Additionally, each of the presently pending dependent claims is also believed to be allowable since it depends upon a respective independent claim.

Further, it is believed that none of the presently cited prior art references of record teach or suggest, either singly or in combination, additional features recited in many of the presently pending depending claims.

For example, neither Walker nor any of the other cited prior art references of record appear to teach or suggest the additional feature recited in dependent claim 52 which includes, for example, enabling the first user to use a credit card for providing payment of the first wager amount via use of a magnetic card reader at the portable gaming device.

Additionally, neither Walker nor any of the other cited prior art references of record appear to teach or suggest the additional feature(s) recited in dependent claim 57 which includes, for example, the ability of the portable gaming device to detect for presence of a first communication link to a remote accounting server; upload the game history information to the remote accounting server if it is detected that the first communication link is present; and store the game history information in the memory of the gaming device at it is detected that the first communication link is not present.

Additionally, neither Walker nor any of the other cited prior art references of record appear to teach or suggest the additional feature(s) recited in dependent claim 61 which includes, for example, verifying whether the first user is of legal age to engage in play of a first wager-based game at the gaming device.

Additionally, neither Walker nor any of the other cited prior art references of record appear to teach or suggest the additional feature(s) recited in dependent claim 62 which includes, for example, the ability of the portable gaming device to capture a first image of the first user; and authenticate an identity of the first player using the first captured image.

Additionally, neither Walker nor any of the other cited prior art references of record appear to teach or suggest the additional feature(s) recited in dependent claim 75 which includes, for example, the ability of the portable gaming device to detect an occurrence a first security-related event or condition relating to the gaming device; erase at least a portion of the memory at the gaming device in response to detecting the first security-related event or condition.

The additional limitations recited in the independent claims or the dependent claims are not further discussed as the above-discussed limitations are clearly sufficient to distinguish the claimed invention from the prior art of record.

Because claims 45-82 are believed to be allowable in their present form, many of the examiner's rejections in the Office Action have not been addressed in this response. However, applicant respectfully reserves the right to respond to one or more of the examiner's rejections in subsequent amendments should conditions arise warranting such responses.

#### No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious

prosecution of this application. Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,  
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